IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 236 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ATILABHAI JANABHAI GAMIT

Versus

STATE OF GUJARAT

Appearance:

MS SNEHA P VAIDYA for Petitioner

MS HANSA B PUNANI, APP, for Respondent No. 1

RULE SERVED for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 05/12/2000

ORAL JUDGEMENT

1. Dispute is there between the learned counsel for the parties on the release of the petitioner. Learned A.P.P. states that the petitioner has been released whereas the learned counsel for the petitioner states that he has been released on temporary bail. Be that as

it may.

2. In view of the decision of the Apex Court in the case of Shahada Khatoon and Ors. vs. Amjad Ali & Ors. reported in 1999 (5) SCC 672 for non-compliance with the order of the Magistrate passed under section 125 of Cr. P.C., the maximum sentence could have been imposed of one month. Here, the sentence exceeding one month has been imposed. Learned counsel for the petitioner states that petitioner has already undergone sentence of one month. If it is correct then the petitioner be released forthwith if he is in jail or if he is not in jail and on bail then he is free from bail bond, surety. Rule is made absolute.

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